

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

RUBEN MACIAS, MARTHA MACIAS,
individuals.

CASE NO. 09cv1374 WQH (JMA)
ORDER

VS

WMC MORTGAGE CORP., a California Corporation, CHASE HOME FINANCE LLC, a California Limited Liability Company & DOES 1 through 20,

Defendants.

HAYES, Judge:

18 The matters before the Court are the Motion to Dismiss, filed by Defendant Chase
19 Home Finance LLC (Doc. # 6), and the Motion for the Motion to Dismiss to be Taken Off
20 Calendar, filed by Plaintiffs (Doc. # 10).

21 On June 25, 2009, Plaintiffs initiated this action by filing the Complaint. (Doc. # 1).
22 On July 23, 2009, Defendant Chase Home Finance LLC filed the Motion to Dismiss the
23 Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). (Doc. # 6). On August 17,
24 2009, Plaintiffs filed a First Amended Complaint, as was their right pursuant to the Federal
25 Rules of Civil Procedure. *See* Fed. R. Civ. P. 15(a) (“A party may amend the party’s pleading
26 once as a matter of course at any time before a responsive pleading is served....”); *see also*
27 *Crum v. Circus Circus Enters.*, 231 F.3d 1129, 1130 n.3 (9th Cir. 2000) (“A motion to dismiss
28 is not a ‘responsive pleading’ within the meaning of Rule 15.”) (citation omitted). On August

1 17, 2009, Plaintiffs filed the Motion for the Motion to Dismiss to be Taken Off Calendar,
2 which states, “[Plaintiffs] request that Defendant Chase Home Finance LLC’s Motion to
3 Dismiss be taken off calendar as moot based on the fact that the aforementioned motion
4 addresses a pleading that is no longer operative in this case.” (Doc. # 10 at 1).

5 Once filed, an amended complaint supersedes the original complaint in its entirety. *See*
6 *London v. Coopers & Lybrand*, 644 F.2d 811, 814 (9th Cir. 1981). Defendant’s Motion to
7 Dismiss, addressing the original Complaint, became moot once the First Amended Complaint
8 was filed.

9 IT IS HEREBY ORDERED that the Motion to Dismiss is **DENIED AS MOOT** (Doc.
10 # 6), and the Motion for the Motion to Dismiss to be Taken Off Calendar is **GRANTED** (Doc.
11 # 10).

12 DATED: August 19, 2009

13 
14 **WILLIAM Q. HAYES**
15 United States District Judge

16

17

18

19

20

21

22

23

24

25

26

27

28